

42



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,457	06/05/2001	Stephen C. O'Neal	MSFT4947.2	5814
321	7590	12/28/2004	EXAMINER	
SENNIGER POWERS LEAVITT AND ROEDEL			HOOSAIN, ALLAN	
ONE METROPOLITAN SQUARE			ART UNIT	
16TH FLOOR			PAPER NUMBER	
ST LOUIS, MO 63102			2645	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/874,457	Applicant(s) O'NEAL, STEPHEN C.	
	Examiner Allan Hoosain	Art Unit 2645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 42-57, 60-63 and 65-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-57, 60-63 and 65-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/22/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## FINAL DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 42-57, 60-63, 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over **LaPorta et al.** (US 6,014,429) in view of **Bartholomew et al.** (US 6,215,858).

As to Claims 42, 50-57, with respect to Figures 1-3, **LaPorta** teaches an apparatus for permitting Thomas (a user) to send a broadcast message via a messaging network (a sending device) to Mary 60 (a first recipient) and Paul (a second recipient), the messaging network (sending device) either addressable over a data network, Figure 1, labels 26, 27, or addressable over a telephone network connected to the data network, Figure 1, labels 26, 16, 22, the first recipient having a computer 27 (first receiving device) addressable over the data network and the second recipient having a telephone 22 (second receiving device) addressable over the telephone network, the apparatus comprising:

filtering/forwarding (a message router) configured to receive the broadcast message from the sending device over the data network if the sending device is addressable over the data network and over the telephone network via the data network connected to the telephone network if the sending device is addressable over the telephone network (Col. 5, line 62 through Col. 6,

Art Unit: 2645

line 4), the message router configured to translate the received broadcast message into an e-mail (translated first broadcast message) and a voice message (translated second broadcast message), the translated first broadcast message being in a format compatible with the first receiving device for delivery to the first receiving device over the data network (Figure 2, labels 26,27), the translated second broadcast message being in a format compatible with the second receiving device, for delivery to the second receiving device over the telephone network via the data network, the message router configured for routing the translated first broadcast message to the first receiving device over the data network and configured for routing the translated second broadcast message embedded with the telephone number to the second receiving device over the telephone network via the data network (Figure 2, labels 16,22 and Col. 6, lines 1-4);

**LaPorta** does not teach the following limitation:

“a message router”, “the message router configured to embed a telephone number that corresponds to the second receiving device within the translated second broadcast message”

However, it is obvious that **LaPorta** suggests the limitations. This is because **LaPorta** teaches transmitting e-mail messages over a data network which suggests a router (Figures 1 and 2, label 26). In addition, **LaPorta** teaches communicating with a telephone through a telephone network via a data network (Figure 1, labels 12,26,18,20). This teaching suggests embedding telephone numbers in messages for the switch 18 to dial telephone 22. **Bartholomew** teaches an Intelligent Peripheral 535 which routes messages over the Internet (a data network) or the PSTN (Figure 13). In addition, **Bartholomew** teaches embedding telephone numbers in translated messages over a data network to be delivered as voice or facsimile over a telephone network (Col. 38, lines 1-20 and 44-65). Having the cited art at the time the invention was made, it

Art Unit: 2645

would have been obvious to one of ordinary skill in the art to add router capability to **LaPorta's** invention for connecting to data networks as taught by **Bartholomew's** invention in order to provide message delivery services.

As to Claims 43-49, **LaPorta** teaches the apparatus as recited in claim 42, wherein:

**LaPorta** does not teach the following limitation:

“the broadcast message is originated in voice form”

However, it is obvious that **LaPorta** suggests the limitations. This is because **LaPorta** teaches making telephone calls and receiving telephone call replies (Col. 6, lines 3-5).

**Bartholomew** teaches receiving voice messages for delivery in different formats (Col. 37, lines 43-56). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice message capability to **LaPorta's** invention for receiving voice messages as taught by **Bartholomew's** invention in order to provide message delivery services.

As to Claims 60-63,65-68, with respect to Figures 1-3, **LaPorta** teaches a method for permitting Thomas (a user) to send a broadcast message via a messaging network (a sending device) to Mary (a first recipient) and Paul (a second recipient), the sending device either addressable over a data network or addressable over a telephonic network connected to the data network (Figures 1 and 2), the first recipient having a first receiving device addressable over the data network and the second recipient having a second receiving device addressable over the telephone network (Figures 1-2), the method comprising:

Art Unit: 2645

receiving the broadcast message from the sending device over the data network if the sending device is addressable over the data network and over the telephone network via the data network if the sending device is addressable over the telephone network (Figure 3);

translating the received broadcast message into a translated first broadcast message and a translated second broadcast message, the translated first broadcast message being in a format compatible with the first receiving device for delivery to the first receiving device over the data network, the translated second broadcast message being in a format compatible with the second receiving device for delivery to the second receiving device over the telephone network via the data network (Figure 3);

routing the translated first broadcast message to the first receiving device over the data network; and

routing the translated second broadcast message embedded with the telephone number to the second receiving device over the telephone network via the data network (Figures 1,3);

**LaPorta** does not teach the following limitation:

“routing”, “embedding a telephone number that corresponds to the second receiving device within the translated second broadcast message”

However, it is obvious that **LaPorta** suggests the limitation. This is because **LaPorta** teaches transmitting e-mail messages over a data network (Figure 2). **Bartholomew** teaches an Intelligent Peripheral 535 which routes messages over the Internet (a data network) or the PSTN (Figure 13). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add router capability to **LaPorta's** invention for connecting

Art Unit: 2645

data networks as taught by **Bartholomew's** invention in order to provide message delivery services.

*Response to Arguments*

3. Applicant's arguments filed in the 9/16/04 Remarks have been fully considered but they are not persuasive because of the following:

Examiner respectfully believes that **LaPorta** suggests the embedding of telephone numbers and routing to the PSTN via a data network as explained in the instant rejections. In addition, **Bartholomew** teaches delivering faxes over the PSTN via the Internet as explained in the Instant rejections. Examiner believes that it is obvious to combine the **Bartholomew** with **LaPorta** to achieve the claims.

Examiner respectfully invites Applicant to contact Examiner to discuss possible amendments for overcoming the prior art of record.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Joffe et al.** (US 6,671,061) teach broadcasting faxes over the PSTN.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2645

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

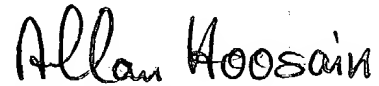
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.



Art Unit: 2645

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink that reads "Allan Hoosain". The signature is written in a cursive style with a large initial 'A'.

**Allan Hoosain**

**Primary Examiner**

**12/20/04**